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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91170763
Party	Defendant HSOR, LLC HSOR, LLC 136 Lakeside Avenue Verona, NJ 07044
Correspondence Address	ALAN M. SACK HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791
Submission	Answer
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Date	08/07/2006
Attachments	Answer to Amended OPP.pdf (5 pages)(25045 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 78/330,274
Mark: POKER SUPERSTARS (as amended)
Filed on November 19, 2003
Published in the Official Gazette on April 11, 2006

RATIONAL ENTERPRISES LIMITADA, :

Opposer, :

Opposition No. 91170763

v. :

HSOR, LLC, :

Applicant. :

ANSWER TO AMENDED NOTICE OF OPPOSITION

HSOR, LLC, a corporation organized and existing under the laws of the State of New Jersey, United States of America, having a business address at 136 Lakeside Avenue, Verona, NJ 07044, the Applicant for registration of the Applicant trademark POKER SUPERSTARS (as amended) (hereinafter "Applicant"); hereby provides its Answer to the Amended Notice of Opposition and response to the grounds of opposition alleged by Opposer, as follows:

1. Admitted.
2. Applicant admits that it filed the subject application on November 19, 2003, based on a *bona fide* intention to use the mark POKER SUPERSTARS INVITATIONAL CHAMPIONSHIPS.
3. Admitted.

4. Applicant denies the allegation in paragraph 2 to the extent that Applicant alleges a first use date in July 2004.

5. Applicant lacks any information to form a belief as to the truth of the allegations set forth in paragraph 5 and therefore such allegations are denied.

6. Applicant lacks any information to form a belief as to the truth of the allegations set forth in paragraph 6 and therefore such allegations are denied.

7. Applicant lacks any information to form a belief as to the truth of the allegations set forth in paragraph 7 and therefore such allegations are denied.

8. Applicant lacks any information to form a belief as to the truth of the allegations set forth in paragraph 8 and therefore such allegations are denied.

9. Applicant lacks any information to form a belief as to the truth of the allegations set forth in paragraph 9 and therefore such allegations are denied.

10. Applicant lacks any information to form a belief as to the truth of the allegations set forth in paragraph 10 and therefore such allegations are denied.

11. Denied.

12. Applicant lacks any information to form a belief as to the truth of the allegations set forth in paragraph 12 and therefore such allegations are denied.

13. The allegations in the first clause of paragraph 13 call for a legal conclusion for which no answer is necessary. The second clause alleging damage to Opposer is denied.

14. The allegations in the first sentence of paragraph 14 are admitted. The allegations in the second sentence of paragraph 14 are denied.

15. Denied.

16. Denied.

AFFIRMATIVE DEFENSES

Applicant hereby sets forth its Affirmative Defenses to the Amended Notice of Opposition as follows:

1. Opposer's mark POKERSTARS is descriptive.
2. Opposer has not established secondary meaning in the mark POKERSTARS in the mind of the purchasing public, i.e. distinctiveness, in the U.S. market prior to Applicant's filing date of November 19, 2003.
3. Opposer has not established secondary meaning in the mark POKERSTARS in the mind of the purchasing public, i.e. distinctiveness, in the U.S. market prior to Applicant's date of first use of the POKER SUPERSTARS mark in the United States commerce in July 2004.
4. Applicant rights in the POKER SUPERSTARS mark are superior to those of Opposer, based on the opposed application filing date of November 19, 2003 and Applicant's extensive promotion and use of the POKER SUPERSTARS mark since July 2004.
5. There is no likelihood of confusion between Applicant's mark "POKER SUPERSTARS" (as amended) for the goods set forth in the application, namely, "Poker Tournaments" and Opposer's mark POKERSTARS as it is used by Opposer on the internet.
6. Opposer lacks standing under section 13 of the Trademark Act to oppose.
7. Opposer's claim is barred by laches.
8. Opposer's claim is barred by estoppel.

9. Opposer's claim is barred by unclean hands.

Respectfully Submitted,

HSOR, LLC
By its attorneys,

Dated: August 7, 2006

/s/Alan M. Sack/
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER has been served via e-mail
this 7th day of August, 2006 upon the following:

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